

MELINDA S. RIECHERT, SBN 65504  
JENNIFER SVANFELDT, SBN 233248  
ROBERTA H. VESPREMI, SBN 225067  
MORGAN LEWIS & BOCKIUS LLP  
One Market, Spear Street Tower  
San Francisco, CA 94105-1596  
Telephone: (415) 442-1000  
Facsimile: (415) 442-1001  
E-mail: mrieichert@morganlewis.com  
E-mail: jsvanfeldt@morganlewis.com  
E-mail: rvespremi@morganlewis.com

*Attorneys for Defendants*

Jahan C. Sagafi (Cal. Bar No. 224887)  
Julia Rabinovich (Cal. Bar No. 290730)  
OUTTEN & GOLDEN LLP  
One Embarcadero Center, 38th Floor  
San Francisco, CA 94111  
Telephone: (415) 638-8800  
Facsimile: (415) 638-8810  
E-mail: jsagafi@outtengolden.com  
E-mail: jrabinovich@outtengolden.com

*Attorneys for Plaintiffs and proposed Class Members*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO / OAKLAND DIVISION

JASON ZAJONC and DENNIS FOWLER,  
individually and on behalf of all others  
similarly situated,

Plaintiffs,

v.

MORGAN STANLEY & CO. LLC,  
f/k/a Morgan Stanley & Co. Incorporated,  
MORGAN STANLEY SMITH BARNEY  
LLC, and MORGAN STANLEY,

Defendants.

**Case No. 14-cv-05563-EMC**

**JOINT STIPULATION AND [PROPOSED]  
ORDER TO CONTINUE DEADLINE FOR  
JOINT MOTION TO TRANSFER AND  
CASE MANAGEMENT CONFERENCE**

Complaint Filed: December 19, 2014

**STIPULATION**

WHEREAS, on March 9, 2016, the parties filed a Notice of Settlement and Request to Vacate all Dates on Calendar (ECF No. 124), informing the Court that they have reached an agreement in principle to resolve the claims of the Plaintiffs and the putative class as part of a settlement of the following other cases: *Devries v. Morgan Stanley & Co., LLC*, No. 12 Civ. 81223 (S.D. Fla); *Hix v. Morgan Stanley & Co., LLC*, No. 15 Civ. 1157 (D. Md.); and *Johnson v. Morgan Stanley & Co., LLC*, No. 15 Civ. 4856 (S.D.N.Y.) (“Notice of Settlement”);

WHEREAS, the Notice of Settlement informed that Court that the terms of the settlement, agreed to by the parties, call for the settlement to be memorialized in a comprehensive settlement stipulation and for the parties to move to transfer this case (as well as the *Hix* and *Johnson* actions) to the Southern District of Florida to be joined with *Devries* before Judge Marra for purposes of seeking approval of the settlement;

WHEREAS, the Notice of Settlement stated that the parties would finalize a formal settlement stipulation and submit a joint motion to transfer no later than April 11, 2016;

WHEREAS, on March 15, 2016, the Court stamped the last page of the Notice of Settlement, “it is so ordered as modified” and inserted the following language: “IT IS SO ORDERED that the further CMC is reset from 3/23/16 to 5/5/16 at 10:30 a.m. An updated joint CMC statement shall be filed by 4/28/16.” (ECF No. 125);

WHEREAS, the parties have diligently been working to prepare the settlement stipulation and other required submissions, including the joint motion to transfer in this matter as well as in the *Hix* and *Johnson* matters; and

WHEREAS, given the ongoing efforts to negotiate the settlement stipulation in these matters, the parties require additional time to submit a joint motion to transfer.

ACCORDINGLY, THE PARTIES HEREBY STIPULATE AND AGREE to continue the deadline to file a joint motion to transfer to May 11, 2016 to continue the CMC currently scheduled for Thursday, May 5, 2016 to Thursday, June 30, 2016. The Parties agree to submit an updated Joint Case Management Statement seven days before the rescheduled CMC date.

**IT IS SO STIPULATED.**

Dated: April 11, 2016

By: /s/ Roberta H. Vespremi  
Roberta H. Vespremi

Melinda S. Riechert  
Jennifer Svanfeldt  
Roberta H. Vespremi  
MORGAN LEWIS & BOCKIUS LLP  
One Market, Spear Street Tower  
San Francisco, CA 94105-1596  
Telephone: (415) 442-1000  
Facsimile: (415) 442-1001  
E-mail: mriechert@morganlewis.com  
E-mail: jsvanfeldt@morganlewis.com  
E-mail: rvespremi@morganlewis.com

*Attorneys for Defendants*

Dated: April 11, 2016

By: /s/ Jahan C. Sagafi  
Jahan C. Sagafi

Jahan C. Sagafi (Cal. Bar No. 224887)  
Julia Rabinovich (Cal. Bar No. 290730)  
OUTTEN & GOLDEN LLP  
One Embarcadero Center, 38th Floor  
San Francisco, CA 94111  
Telephone: (415) 638-8800  
Facsimile: (415) 638-8810  
E-mail: jsagafi@outtengolden.com  
E-mail: jrabinovich@outtengolden.com

Justin M. Swartz (admitted *pro hac vice*)  
OUTTEN & GOLDEN LLP  
3 Park Avenue, 29<sup>th</sup> Floor  
New York, New York 10016  
Telephone: (212) 245-1000  
Facsimile: (646) 509-2060  
E-mail: jms@outtengolden.com

Gregg I. Shavitz (admitted *pro hac vice*)  
Susan H. Stern (admitted *pro hac vice*)  
Paolo C. Meireles (admitted *pro hac vice*)  
SHAVITZ LAW GROUP, P.A.  
1515 S. Federal Hwy., Suite 404  
Boca Raton, Florida 33432  
Telephone: (561) 447-8888  
Facsimile: (561) 447-8831  
E-mail: gshavitz@shavitzlaw.com  
E-mail: ssstern@shavitzlaw.com  
E-mail: pmeireles@shavitzlaw.com

Michael J. Palitz (admitted *pro hac vice*)  
SHAVITZ LAW GROUP, P.A.  
30 3rd Avenue, 5th Floor  
New York, NY 10022  
Telephone: (800) 616-4000  
Facsimile: (561) 447-8831  
E-mail: mpalitz@shavitzlaw.com

Seth R. Lesser (admitted *pro hac vice*)  
Fran L. Rudich (admitted *pro hac vice*)  
KLAFTER OLSEN & LESSER, LLP  
Two International Drive, Suite 350  
Rye Brook, NY 10573  
Telephone: (914) 934-9200  
Facsimile: (914) 934-9220  
E-mail: seth@klafterolsen.com  
E-mail: fran@klafterolsen.com

*Attorneys for Plaintiffs and Proposed Class  
Members*

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated: April 12, 2016



**ATTESTATION OF SIGNATURE**

Pursuant to Civil Local Rule 5-1(i)(3), the filer of this document attests that concurrence in the filing of this document has been obtained from the other signatory above.

DATED: April 11, 2016

MORGAN LEWIS & BOCKIUS LLP

By: /s/ Roberta H. Vespremi

*Attorneys for Defendants*

DB2/ 30116420.1